IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FIRST APPEAL NO.1366 OF 2007

The State of Maharashtra & Ors. ..Appellants.
Vs.
Pritesh Shantilal Lapasia ..Respondent.

Mr.B.H.Mehta, AGP for the Appellant/State.
Mr.L.V.Jain, adv. for the Respondent.

CORAM : J.H.BHATIA, J.
DATE : AUGUST 24, 2007.

P.C.

1. Heard the learned counsel for the Parties.

2. Mrs.Arundhati Shelatkar, Chief Executive Officer of Aarey Milk Colony, who is the original defendant no.4 and appellant no.4 in the present appeal is present. On instructions from the Chief Executive Officer, Mrs.Arundhati Shelatkar, Mr.Mehta the learned A.G.P. seeks to withdraw this appeal with liberty to issue fresh notice to the plaintiff/respondent giving specific instances of breach of agreement, if any, or any other reasons on the basis of which the appellants may direct the respondent to vacate the premises. The plaintiff/respondent may submit his explanation to the Chief Executive Officer within two weeks from receipt of notice and he may also apply for renewal of licence, if he so desires before or at the time of filing reply.

The learned A.G.P. makes a statement that after receipt of explanation from the respondent and the application for renewal of licence if any, the appellants/defendants shall take a decision in accordance with law on its own merits.

3. The appeal stands dispose off as withdrawn with the aforesaid liberty.

4. While taking such a decision, direction given in Clause 2 and 3 of the final order passed by the trial Court shall not come in a way of the appellants. The plaintiff/respondent shall not be removed or dispossessed from the premises till a decision is taken on his application for renewal and on an explanation, which he may submit to the notice issued by the appellants. If the decision goes against the plaintiff/respondent, it shall not be implemented for a period of four weeks from the date of communication of that order.

[J.H.BHATIA, J.]

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.900 OF 2004
IN
FIRST APPEAL NO.1366 OF 2007

The State of Maharashtra & Ors. ..Applicants.
Vs.
Pritesh Shantilal Lapasia ..Respondent.

Mr.B.H.Mehta, AGP for the Applicant/State.
Mr.L.V.Jain, adv. for the Respondent.

CORAM : J.H.BHATIA, J.
DATE : AUGUST 24, 2007.

P.C.

1. As the appeal itself is finally disposed off, this application does not survive and stands disposed off accordingly.

(J.H.BHATIA, J.)